



U.S. Department of Justice

Civil Rights Division

DLK:MLB:EKB:JMS:AKT:BS:KEL
DJ 170-51-358

Employment Litigation Section - PHB
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July 25, 2012

Honorable Nicholas G. Garaufis
United States District Court
for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. City of New York, et al., 07-CV-2067 (NGG)(RLM)

Dear Judge Garaufis:

The United States submits this letter in response to the City of New York's July 20, 2012 letter (Dkt. 931), in which the City requests that the Court strike the United States' letter filed on July 13 (Dkt. 925).

The City's request should be denied because it serves no purpose. The United States submitted its July 13 letter to notify the Court and the parties of the United States' position regarding the Plaintiffs-Intervenors' Motion to Reconsider Order on Fringe Benefits (Dkt. 912). The United States did so because it anticipated that the Court, as well as the parties, would want to know this information. The United States did not present any additional arguments related to the Plaintiffs-Intervenors' motion to which the City would then need to respond.¹ Instead, the United States simply stated its position on the motion. Moreover, in its request to strike the United States' letter, the City did not allege, much less prove, that it has suffered any prejudice as a result of the United States' statement of its position regarding the Plaintiffs-Intervenors' motion. For these reasons, the City's request should be rejected.

¹ In its letter, the United States also alerted the Court, the Special Masters, and the parties to an issue related to the timing of discovery related to fringe benefits. The United States did not seek a ruling from the Court or the Special Masters on this issue but, rather, sought to notify the parties of this issue so that it could be the subject of future discussions among the parties and the Special Masters.

Sincerely,

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